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Letter dated 11 June 1999 from the Secretary-General to the President of the General Assembly

I have the honour to seek the concurrence of the General Assembly with respect to a two-month extension of the services of the one remaining individual brought in as gratis personnel in the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 until the end of August 1999. This request is made pursuant to paragraph 18 of General Assembly resolution 52/234 of 26 June 1998.

The one remaining individual brought in as gratis personnel in the International Tribunal for the Former Yugoslavia started to serve with the Office of the Prosecutor in April 1995, and has been the leading prosecution co-counsel in the Blaskić trial, which commenced in July 1997. As reported in paragraph 9 of document A/53/847 and paragraph 8 of document A/C.5/53/54, and as noted by the General Assembly in its resolution 53/218 of 7 April 1999, the service of this individual brought in as gratis personnel was extended exceptionally until 30 June 1999, to allow for the anticipated completion of the trial on the same date or earlier. The Prosecutor of the International Tribunal for the Former Yugoslavia has now advised me that, contrary to earlier expectations, the Blaskić trial is currently expected to end by the end of August 1999, for the following reasons.

First, the Defence has exceeded, by 8 days, the time limit of 30 trial days established by the Trial Chamber for the presentation of its case in chief. Under the existing courtroom schedule, eight full trial days consists of approximately three weeks of actual time. More time will be required for a number of additional defence witnesses. The Prosecution also intends to avail itself of its right to call a number of witnesses in rebuttal.

It should be noted that the Trial Chamber has approved the Defence's request to exceed the 60-day limit so as to present the additional testimony mentioned above. Throughout late 1998 and early 1999, the Prosecution's expectations and planning regarding the conclusion of the trial were based on the Defence's adherence to the 60-day limit imposed by the Trial

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Chamber, an expectation which did not materialize. In this connection, it is by no means unusual for criminal trials to exceed projected forecasts.

Second, the Trial Chamber has decided to call six additional witnesses, pursuant to rule 98 of the Rules of Procedure and Evidence of the International Tribunal for the Former Yugoslavia. This Rule authorizes the Judges to call witnesses on their own volition. The Prosecutor has submitted that her staff could not have anticipated that the Chamber would avail itself of this provision.

Third, one of the original Judges of the Trial Chamber was forced to withdraw from the case in early 1999 for health reasons. The replacing Judge needed several weeks to familiarize himself with the case.

Without these delays, the trial would have been completed well before 30 June 1999. The Prosecutor's best estimate now is that, having regard to the remaining cross-examination of the accused, the additional defence witnesses, the additional prosecution witnesses in reply, the six witnesses called by the Trial Chamber, and the time needed for preparing the closing arguments and the concluding prosecution trial brief, the individual brought in as gratis personnel will be fully committed until the end of August 1999.

The Prosecutor has stressed that it would be impossible for her to replace the individual brought in as gratis personnel at this critical stage of the case. Given the functions he has performed since the start of the trial and the vital role that he will play during the closing stages of the proceedings, his premature departure would significantly weaken the Prosecution's case, and prevent the Prosecutor's Office from being fairly and equitably represented at the trial.

I believe that the current situation in the Blaskić trial is the result of exceptional trial-related circumstances which are beyond the control of the Secretariat. Moreover, I am fully satisfied of the legitimacy of the request of the Prosecutor for the final extension of the services of the individual brought in as gratis personnel until the end of August 1999. I therefore recommend that the General Assembly approve the request of the Prosecutor to extend the services of the individual brought in as gratis personnel until 31 August 1999.

(*Signed*) Kofi A. **Annan**
Secretary-General